

11.04.2022
16
Ct. No. 29
KAUSHIK
Partly
Allowed

C.R.M.(A) 1646 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gopalnagar** Police Station Case No. **538** of **2021** dated **15.09.2021** under Sections 498A/306/34 of the Indian Penal Code, 1860.

And

In Re : Suman Ghosh & Ors.

..... petitioners

Mr. Arnab Chatterjee

....for the petitioners

Mr. S. G.Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated.

Learned advocate appearing for the State refers to the materials in the case diary. He submits that, all the petitioners are named in the statement of the neighbours.

The petitioner no. 1 is the husband of the victim. Considering his involvement and considering the gravity of the offence, we are unable to grant him anticipatory bail.

Prayer for anticipatory bail in respect of petitioner no. 1 (Suman Ghosh) is rejected.

However, so far as the petitioner nos. 2 (Sudeb Kumar Ghosh) and 3 (Baisakhi Ghosh) are concerned and considering the fact that the police filed charge-sheet, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

